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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,033	05/01/2007	Jerry L. Holden	60158-286 PUS1	6905
26/096 7590 09/22/2011 CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009				
EXAMINER YUSUF, MOHAMMAD I				
ART UNIT		PAPER NUMBER		
3725				
MAIL DATE		DELIVERY MODE		
09/22/2011		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/584,033

**Applicant(s)**

HOLDEN, JERRY L.

**Examiner**

Mohammad Ibrahim Yusuf

**Art Unit**

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 June 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 5) ☒ Claim(s) 1,2,5,7,9 and 20-23 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 1,2,5,7,9 and 20-23 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-CB00)  
Paper No(s)/Mail Date 08/31/2011
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-2, 5, 7, 9 and 20 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant's arguments filed on 06/07/2011 with respect to claim 21 have been fully considered but they are not persuasive.
3. On page 6 of his/her remark applicant states "In Takahashi et al., the teeth 4 does not does not continually engage the tube 1...". Examiner respectfully disagrees. First of all, the claim recites "the roller engages the tube" and "the rollers continually engage the tube". Takahashi's rollers seen in figure 1a continually engages the tube. Secondly, although each tooth 4 does not continually engage the roller, the collection of teeth 4 do continually engage the roller.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 21-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claim 21 recites the limitation "the rollers" in line 9. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-2, 5, 7, 9 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hull et al. (US 4,574,610).

In regard to **claims 1-2, 5, 7, 9 and 20**, Hull discloses forming condenser tube 25 as seen in figures 2 and 4 and securing the tube 25 to a refrigeration cabinet as seen in figures 1 and 2.

Hull discloses [col. 6 lines 20-40] positioning the tube [25] in a first stationary position relative to a mold [68] which is located entirely outside the tube [25]. The mold [68] forms an indentation for the future welding spot [30] on the tube [fig. 4]. The tube is then moved to a new stationary position relative to the mold [col. 6 lines 29-31].

Hull also discloses that the condenser tube may be indented in sequence using a single crimper unit [col. 6 lines 33-39]. Thus for each location 30 to be indented, the serpentine tube [col. 5 lines 22-25] has to be rotated as well in case of single crimper unit.

9. Claims 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi et al. (US 4,715,436).

In regard to **claim 21-22**, Takahashi discloses positioning a tube [1, fig. 1a] in a mold/roller [fig. 1a] to crimp a plurality of indentations [3], releasing the mold/roller [the

tube is released from the mold/roller after completion of the crimping because a new heat transfer tube is to be indented/crimped]; during crimping tube is axially and rotatably moved from a first position to a second position [see the arrows depicting the axial and rotational movement] as the mold/roller continually engages the tube.

In regard to **claims 23**, It is broadly claimed that the tube is rotated between 5-10 degrees, without any information of relative to what the rotation is to be considered regarding the 5-10 degrees. Takahashi teaches that tube is rotated between 5-10 degrees relative to at least one part the mold/roller at some point during rotation.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ibrahim Yusuf whose telephone number is (571)270-7487. The examiner can normally be reached on Monday-Friday 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached on (571) 272-4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dana Ross/  
Supervisory Patent Examiner, Art Unit 3725

/Mohammad Ibrahim Yusuf/  
Examiner, Art Unit 3725